

Central Intelligence Agency



Washington, D.C. 20505

19 MAR 1984

OLL 84-0850

Mr. James M. Frey
 Assistant Director for
 Legislative Reference
 Office of Management and Budget
 Washington, D.C. 20503

Dear Mr. Frey:

This is to respond to the request of the Office of Management and Budget for the views of the Central Intelligence Agency (CIA) on H.R. 4696, a bill seeking to clarify the relationship between the Privacy Act of 1974 and the Freedom of Information Act (FOIA).

While H.R. 4696 would not affect the manner in which requests for information pursuant to the FOIA are currently handled by the CIA, I understand that other Executive Branch agencies do use the Privacy Act as a (b)(3) withholding statute in processing requests for information under the FOIA. As a result of litigation over this issue, there is now a split in the decisions of the Federal courts, and the Department of Justice has recently filed a petition for certiorari in United States Department of Justice v. Provenzano (No. 83-1045, filed December 23, 1983). The position of the Department of Justice is that the Privacy Act is an exemption (b)(3) statute.

Given the position taken by the Department of Justice and the pending request for review by the Supreme Court, we defer to the views of the Department of Justice on this issue.

Sincerely,



Acting Director, Office of Legislative Liaison

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| <p>FROM : Legislation Division</p> | <p>SUSPENSE DATE</p> | | | | | | | | | | | | | | | |
| <p>SUBJECT:</p> <p>H.R. 4696, a bill "To clarify the relationship of the Privacy Act of 1974 to the Freedom of Information Act, and for other purposes."</p> | | | | | | | | | | | | | | | | |
| <p>NOTES</p> <p>Attached is a views letter to OMB regarding the above subject.</p> | | | | | | | | | | | | | | | | |
| <p>COORDINATED WITH (list names as well as offices)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 55%;">NAME</th> <th style="width: 25%;">OFFICE</th> <th style="width: 20%;">DATE</th> </tr> </thead> <tbody> <tr> <td>NAME</td> <td>OFFICE</td> <td>DATE</td> </tr> <tr> <td>NAME</td> <td>OFFICE</td> <td>DATE</td> </tr> <tr> <td>NAME</td> <td>OFFICE</td> <td>DATE</td> </tr> <tr> <td>NAME</td> <td>OFFICE</td> <td>DATE</td> </tr> </tbody> </table> | | NAME | OFFICE | DATE | NAME | OFFICE | DATE | NAME | OFFICE | DATE | NAME | OFFICE | DATE | NAME | OFFICE | DATE |
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| <p>ACTION REQUIRED BY XX AD/OLL</p> <p>Your signature on letter.</p> | | | | | | | | | | | | | | | | |